



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Helen Hunt
Uniting People for Victory
1730 Rhode Island Avenue NW
Suite 712
Washington, DC 20036

APR 26 2010

RE: MUR 6021
Uniting People for Victory

Dear Ms. Hunt:

On September 26, 2008, the Federal Election Commission notified Uniting People for Victory of a complaint alleging violations of the Federal Election Campaign Act of 1971, as amended. A copy of the complaint was forwarded to Uniting People for Victory at that time. On October 20, 2008, the Commission notified Uniting People for Victory of a supplement to the initial complaint, and a copy of the supplement was forwarded to you at that time. On January 12, 2010, the Commission notified Uniting People for Victory of additional information from the complainant pertaining to the allegations in the complaint, and a copy of this additional information was forwarded to you at that time. After considering the circumstances in this matter, the Commission, on April 13, 2010, voted to dismiss the complaint as to Uniting People for Victory, and closed the file in this matter. The Factual and Legal Analysis, which more fully explains the Commission's decision, is enclosed for your information.

Documents related to the case will be placed on the public record within 30 days. See Statement of Policy Regarding Disclosure of Closed Enforcement and Related Files, 68 Fed. Reg. 70,426 (Dec. 18, 2003).

If you have any questions, please contact Roy Q. Lockett, the attorney assigned to this matter, at (202) 694-1650.

Sincerely,

A handwritten signature in cursive script, reading "Susan L. Lebeaux", is positioned above the typed name.

Susan L. Lebeaux
Assistant General Counsel

Enclosure
Factual and Legal Analysis

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1 **FEDERAL ELECTION COMMISSION**

2 **FACTUAL AND LEGAL ANALYSIS**

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4 **RESPONDENT: Uniting People for Victory**

MUR 6021

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7 **I. INTRODUCTION**

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9 The complaint in this matter alleges that Uniting People for Victory ("UP for Victory"), a
10 Section 527 organization that was active during the 2004 election cycle, violated the Act by
11 failing to register and report as a political committee. Specifically, the complaint alleges that the
12 National Progress Fund spent approximately \$235,000 on advertisements, fact sheets, flyers,
13 letters to the editor and related material that expressly advocated the defeat of Nader and Peter
14 Miguel Camejo ("Nader-Camejo"). As discussed below, the Commission has determined to
15 exercise its prosecutorial discretion and dismiss the allegation as to Uniting People for Victory.

16 **II. FACTUAL AND LEGAL ANALYSIS**

17 According to the complaint, Up for Victory made expenditures of \$235,000 to influence
18 the 2004 presidential election. Complaint at 14-15. The complaint concludes that Up for
19 Victory was subject to the Act's registration and reporting requirements, but failed to comply.
20 Complaint at 15. Up for Victory did not respond to the complaint.

21 The available information indicates that Up for Victory is either defunct or has ceased
22 operations. Specifically, this organization filed its final IRS report in January 2006, reporting \$0
23 in receipts. In addition, while the activity at issue occurred in 2004, the complaint was not filed
24 until 2008. Thus, among other reasons, the age of the alleged violations would create problems
25 of proof and raise obstacles under the five-year statute of limitations. Under these
26 circumstances, the Commission has determined to exercise its prosecutorial discretion and

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- 1 dismiss the allegations that Uniting People for Victory violated 2 U.S.C. §§ 433 and 434(b). See
- 2 *Heckler v. Chaney*, 470 U.S. 821 (1985).

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